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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/505,914	02/17/2000	Ronald A. Katz	245/249(6046-101D9)	7141

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EXAMINER

WOO, STELLA L

ART UNIT

PAPER NUMBER

2643

DATE MAILED: 07/30/2003

26

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

Application No.

09/505,914

Applicant(s)

KATZ, RONALD A.

Examiner

Stella L. Woo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on Jun 9, 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 97-131 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 97-131 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on June 9, 2003 has been entered.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 97-111, 114-129 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino (US 5,606,496) in view of Smith (US 5,450,123).

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D'Agostino discloses a commercial transaction communication system (Fig. 1) for selectively enabling video communications through a communication system (telephone network; col. 7, lines 29-40) between members of plural groups (customer terminals 14 and representative terminals 12), comprising:

video display systems (customer terminal 14 in Fig. 2A; representative terminal 12 in Fig. 2B; the customer terminal capable of operating in a video image display mode or a menu display mode (col. 6, lines 49-56);

an interconnect system (telephone system including communication links 16, 18) adapted to selectively electronically couple the video display terminals (customer terminal is selectively coupled to the appropriate representative terminal) through the communication system on the basis of stored information (preset numbers are stored which correspond with different financial services; col. 4, lines 21-29) and buyer input (desired financial service is selected by the customer depressing the appropriate button (col. 4, lines 24-29) and to permit the exchange of commercial transaction data (credit card payment data; col. 7, lines 4-6, 65-67); and

a video format switch (the representative uses an input device 46 to effect either a compatible video image display or a menu display; col. 6, lines 47-56).

D'Agostino differs from claims 97-129 in that although it provides for transmitting a video image of the representative, it does not specify communicating a dynamic, full-motion video. However, Smith teaches the desirability of including a camera at representative terminal so that direct, real-time, point-to-point video communication can

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take place between a customer and the representative (col. 3, lines 26-27; col. 4, lines 25-28; moving pictures are communicated via AT&T 2500 video telephone sets, col. 1, lines 27-28) such that it would have been obvious to an artisan of ordinary skill to incorporate such dynamic, full-motion video communication, as taught by Smith, within the system of D'Agostino in order to provide a real-time video as well as audio communication between the customer and representative. In this way, a more realistic face-to-face meeting can take place.

Regarding claim 110, Smith provides for a dynamic video source and database  
6.

Regarding claim 111, D'Agostino provides for a printer 28 and printer 50.

4. Claims 112-113 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of D'Agostino and Smith, as applied to claim 97 above, and further in view of Ando et al. (US 4,888,795, hereinafter "Ando").

The combination differs from claims 112-113 in that it does not specify the video being freeze-frame or high resolution. However, Ando teaches the desirability of providing the option of transmitting a single frame, high resolution video signal (such as when a text document is to be transmitted for clear viewing) or a full-motion, low resolution video signals (such as when face-to-face communication is desired) (Abstract; col. 1, line 24 - col. 3, line 35; col. 4, line 31 - col. 5, line 9; col. 7, line 39 - col. 8, line 3). It would have been obvious to an artisan of ordinary skill to incorporate the

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use of freeze-frame, high resolution video communication, as taught by Ando, within the combination of D'Agostino and Smith in order to allow for transmission of captured document data which requires a higher resolution than a moving image of the user's face.

5. Claims 130-131 are rejected under 35 U.S.C. 103(a) as being unpatentable over D'Agostino in view of Smith, as applied to claim 97 above, and further in view of Donald et al. (US 5,053,956, hereinafter "Donald").

The combination of D'Agostino and Smith differs from claims 130-131 in that although it provides for displaying products to the customer (Smith, col. 2, lines 65-68), it does not specify an inventory control system. However, Donald teaches the desirability of coupling an interactive video display system with an inventory control system (col. 7, lines 3-9; col. 9, line 61 - col. 10, line 4) so that a customer can view products along with the number available in stock such that it would have been obvious to an artisan of ordinary skill to incorporate such coupling with an inventory control system, as taught by Donald, within the combination of D'Agostino and Smith so that the customer can be apprised of availability while the seller's inventory database is kept current as items are purchased.

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***Response to Arguments***

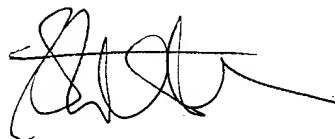
6. Applicant's arguments filed June 9, 2003 have been fully considered but they are not persuasive. Applicant argues that D'Agostino fails to teach selectively enabling video communications based on stored information. However, D'Agostino clearly provides video and voice communication between a customer terminal and an appropriate representative terminal based on stored information, that is, preset telephone numbers which correspond to various designated financial services (col. 4, lines 21-29). Applicant further argues that D'Agostino fails to teach a format switch and a compatible format. D'Agostino provides for a "video format switch" via an input device used by the representative to effect either a video image display or a menu display (col. 6, lines 47-56). Claim 97 recites coupling the vendors and buyers in a "compatible mode to effect video communication..." D'Agostino provides for compatible communication between the customer and representative.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stella L. Woo whose telephone number is (703) 305-4395.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis Kuntz can be reached on (703) 305-4708. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-0377.

A handwritten signature in black ink, appearing to read 'Stella Woo', with a long horizontal stroke extending to the right.

**STELLA WOO**  
**PRIMARY EXAMINER**

SW

July 28, 2003